IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 13481 of 2000

Between:

Topi Suvarna D/o.Suryakumari
R/o.H.No.1-1-78/1, Ravindranagar, Adilabad, Adilabad District

..... PETITIONER

AND

1 The Member Secretary,
A.P.State Legal Services Authority, Hyderabad.

2 The District and Sessions Judge Cum Chairman
District Legal Services Authority, Adilabad, Adilabad District.

3 The District Employment Officer,
Adilabad, Adilabad District.

4 P.Shyamala Devi D/o.P.V.Sastry,
C/o.Gangadhar, Bill Collector, R/o.D.No.4-3-289/1, Peela Quarters,
Adilabad, Adilabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of mandamus, declaring the proceedings Dis.No.2413/2000/Admn, Dt.28/06/2000 issued by the 2nd respondent selecting the 4th respondent to the post of Typist-cum-Steno (who is a non-local), ignoring the case of the petitioner (who is a local candidate) as illegal, arbitrary,

unjust and unconstitutional, and contrary to the Presidential Order issued under Art.371(D) of the Constitution of India and consequently direct the respondents to strictly follow the rules relating to the local candidates and appoint the petitioner if she is otherwise, eligible and qualified, and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.SARATH KUMAR

Counsel for the Respondent Nos.1 & 2: None

Counsel for the Respondent No. 2: Mr. D. Damodara Rao

Counsel for the Respondent No.4: MR.M.V.S.SURESH KUMAR : Not Present

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

Petitioner is questioning the selection of the 4th respondent in preference to the petitioner to the post of Steno-Typist as illegal and arbitrary.

In the counter affidavit filed by respondent No.2, it is stated that the 4th respondent enclosed a local Residential Certificate along with the application and her performance was found to be better than the petitioner and therefore, respondent No.4 was selected. But, at the time of issuing posting orders, when her original documents were verified, she was found to be age barred as per the notification. It was also found that her Employment Card was registered at Kakinada, East Godavari District. But, this fact was not mentioned by the 4th respondent in her application and therefore posting order was not given to her. Therefore, the post was kept in abeyance. Even the petitioner was not found to be eligible for the post in question.

In the circumstances, we do not find any force in the petition. The petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 11th August, 2004

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C.V.RAMULU,J

Pnb

To

1 The Member Secretary
A.P.State Legtal Services Authority, Hyderabad.

2 The District and Sessions Judge Cum Chairman
District Legal Services Authority, Adilabad, Adilabad District.

3 The District Employment Officer,
Adilabad, Adilabad District.

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